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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,448	11/05/2003	Zsolr Toth	1011.42224X00	6374

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EXAMINER

GOODMAN, CHARLES

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,448	TOTH, ZSOLR	
	Examiner	Art Unit	
	Charles Goodman	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-30,32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-30, 32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed on 11/16/2005 has been entered.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/05 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is vague and indefinite in that it is not clear how a component can determine both the height and length when the previous claim sets forth separate components for height and length. In other words, the independent claim already has a die a component that determines height, so how is it possible for the length component to determine the same?

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-6, 8-30, 32 and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinlan (US 4,020,724) in view of Simpson et al (US 5,429,577) and Koelsch (US 5,875,699).

Quinlan discloses the invention substantially as claimed as noted in the last Office Action. However, Quinlan does not explicitly set forth that the die components determine the dimensions of a carton. In that regard, Quinlan already teaches that the components may be designed or adapted to cut a myriad of different patterns and not simply just the flaps. In other words, each die component of Quinlan may include different combinations of to be cut patterns and arrangement of rules that are inclusive of the dimensions of the carton to be made. To that end, Applicant's attention is again respectfully directed to the teachings and suggestion of Simpson et al which has a die component that includes all the dimensions of the product to be made. Thus in view of the combined teachings of the references, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the invention of Quinlan with an

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arrangement of cutting/scoring components that determine the dimensions of the end product.

Regarding the interlock, it appears Quinlan lacks the die components being interlocked with each other. In that regard, Koelsch teaches a cutting die mounting system in which the die components (30A, 30B) are interlocked with each other via interlocks (90) to thereby insure proper engagement with respect to each other. Figs. 1-2, c. 6, ll. 6-65. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the invention of Quinlan, alone or modified, the interlock as taught and suggested by Koelsch in order to facilitate proper engagement between the die components.

Response to Arguments

7. Applicant's arguments filed 11/16/05 have been fully considered but they are not persuasive.

In response to Applicant's basic argument that the die components of Quinlan do not determine the dimensions of the carton to be made, this argument is traversed. First, it is the Examiner's position that trimming of the flap portions is sufficient to read on this limitations to the extent that they effect the same to a degree. Second, as noted in the rejection supra, Quinlan already provides a prima facie case of obviousness for a plurality of different cutting designs for each component which include the dimensions of the carton to be made.

In response to Applicant's basic argument that Simpson et al lacks certain features of the claim, this argument is traversed to the extent that such an argument is

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not germane to the issue at hand. Simpson et al provides a teaching that on the one hand, a die component can cut a blank which eliminates additional cutting steps to perform the same and on the other hand teaches an example of rule arrangement that may be provided on a die component to obtain the desired product. Whether or not Simpson et al teaches a modular design has no bearing since it has been set forth that “modular” capability is already disclosed or taught by the main reference. The above applies to Applicant’s arguments against Koelsch since they are substantially the same basis in argument with respect to Simpson et al.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Charles Goodman
Primary Examiner
AU 3724

cg



March 20, 2006

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--BAPV--